

**IN THE UNITED STATES DISTRICT COURT FOR  
THE SOUTHERN DISTRICT OF WEST VIRGINIA**

**HUNTINGTON DIVISION**

RICHARD EDWARDS, JR.,

Plaintiff,

v.

CIVIL ACTION NO. 3:16-1879

McELLIOTTS TRUCKING, LLC;  
DANNY MCGOWAN, individually and as  
an employee of McElliotts Trucking, LLC and/or  
as agent of Cardinal Transport;  
CARDINAL TRANSPORT, INC.,

Defendants.

**ORDER**

Pending before the Court is Plaintiff's Motion to Enforce and Request for Hearing. ECF No. 282. Plaintiff makes a *prima facie* showing that Defendants McElliotts Trucking, LLC and Danny McGowan—together, "Settlement Defendants"—have not timely fulfilled the terms of the "Settlement Agreement and Release," nor have Settlement Defendants responded to this motion.

Though the Court has the inherent power to summarily enforce a private settlement without a hearing, (*Millner v. Norfolk & W. R. Co.*, 643 F.2d 1005, 1009 (4th Cir. 1981)), the Court **HOLDS IN ABEYANCE** Plaintiff's motion. Furthermore, the Court **ORDERS** Settlement Defendants to submit proof of satisfaction of the terms of the settlement agreement, or a memorandum showing cause why they have failed to do so, **no later than July 29, 2019**.

The Court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and any unrepresented parties.

ENTER: July 12, 2019



ROBERT C. CHAMBERS  
UNITED STATES DISTRICT JUDGE